

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

YOUNG CONSERVATIVES OF
TEXAS FOUNDATION

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v.

CIVIL NO. 4:20-CV-973-SDJ

THE UNIVERSITY OF NORTH
TEXAS, ET AL.

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ORDER TO SHOW CAUSE

On October 28, 2021, this Court denied the motion to dismiss filed by Defendants the University of North Texas; the University of North Texas System; Neal Smatresk, in his official capacity as the University's president; and Shannon Goodman, in his official capacity as the University's Vice President for Enrollment. (Dkt. #34). In doing so, the Court concluded that Plaintiff Young Conservatives of Texas Foundation ("Young Conservatives") has stated an official-capacity equitable claim under *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908), against Defendants Smatresk and Goodman. But, as the Court also explained, an *Ex parte Young* action for prospective, injunctive relief is cognizable only against state officials in their official capacities. (Dkt. #34 at 10–11). The question thus remains whether Young Conservatives has a cause of action for its preemption claim against the entity defendants, the University of North Texas and the University of North Texas System.

It is therefore **ORDERED** that, on or before **November 19, 2021**, Young Conservatives must file a response no longer than five (5) pages showing why Defendants the University of North Texas and the University of North Texas System

should not be dismissed from this lawsuit. If dismissal of the case as to the University of North Texas and the University of North Texas System is satisfactory to Young Conservatives, Young Conservatives should note so in its response. Failure to respond will result in dismissal of the University of North Texas and the University of North Texas System without further notice.

So ORDERED and SIGNED this 10th day of November, 2021.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE